



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

03 AUG 2007

Marina L. Gordey
Knobbe, Martens, Olson and Bear LLP
2040 Main Street, 14th Floor
Irvine, CA 93401

In re Application of :
Moolman, et al. :
Application No.: 10/586,894 : DECISION
PCT No.: PCT/IB2005/000192 :
Int. Filing Date: 27 January 2005 :
Priority Date: 28 January 2004 :
Attorney's Docket No.: ADADA4.001APC :
For: STABILIZATION OF ENZYMES :

This application comes before the PCT Legal Office for matters arising under 35 U.S.C. 371.

BACKGROUND

On 27 January 2005, applicants filed international application PCT/IB2005/000192, which claimed priority of an earlier South African application filed 28 January 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 September 2005. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 July 2006.

On 21 July 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, a declaration and the requisite basic national fee as required by 35 U.S.C. 371(c). This application was assigned U.S. serial number 10/586,894.

DISCUSSION

MPEP 1893.01(e) states, in part:

Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name.

37 CFR 1.497(d) states:

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

A review of the application file reveals that the applicant/inventor known as Avashnee Shamparkesh Sewllall in the international application has since married and changed her name to Avashnee Shamparkesh Chetty. Applicant is required to file a proper petition under 37 CFR 1.182, along with the \$400 petition fee, in order to resolve this matter.

CONCLUSION


A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Petition Under 37 CFR 1.182," and must include the requisite petition fee and an acceptable explanation of the facts as discussed above. Failure to file a proper response in a timely manner will result in ABANDONMENT of the application.

Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration



Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280
Fax: (571) 273-0459